



Docket No.: 245597US30

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/765,863
Applicants: Jose L. MARTINEZ
Filing Date: January 29, 2004
For: METALLIC CAP CLOSURE HAVING WATER
REPELLING PROPERTIES AND METHOD OF
FABRICATING THE SAME
Group Art Unit: 3781
Examiner: SMALLEY, JAMES N.

SIR:

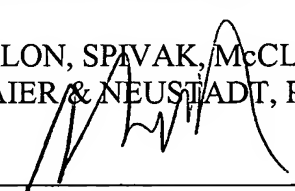
Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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DOCKET NO: 245597US30



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MARTINEZ, JOSE L. : EXAMINER: SMALLEY, JAMES N.
SERIAL NO: 10/765,863 :
FILED: JANUARY 29, 2004 : GROUP ART UNIT: 3781
FOR: METALLIC CAP CLOSURE :
HAVING WATER REPELLING
PROPERTIES AND METHOD OF
FABRICATING THE SAME

RESTRICTION RESPONSE

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SIR:

In response to the Office Action dated November 29, 2006 Applicants herein elect the apparatus claims group I.

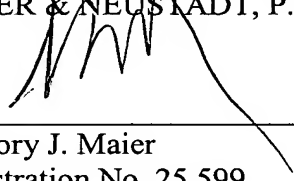
Applicants traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application any search of the elected claims would also include the classes and subclasses appropriate for searching the other claims, and so then would be no undue burden if all of the claims were examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

Gregory J. Maier
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